

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

Crl.Rev.Pet.No. 3 of 1997()

CC.1/1991 of JUDL. MAGISTRATE OF FIRST CLASS COURT, ANDROTH
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REVN. PETITIONER:

M.K.KOYAMMA
S/O.LATE M.V.MOHAMMED
MEESEKAKKADA HOUSE
KALPENI.

BY ADV. SRI.JOHNSON ABRAHAM,VICENT PIOUS

RESPONDENTS:COMPLAINANT & ACCUSED

1. STATE REPRESENTED BY SUB INSPECTOR OF POLICE
KALPENI.
2. POKKILAKAM SAYED KOYA
S/O.PONNELAM ATTAKOYA
KALPENI ISLAND.
3. POKKILAKAM KOYA
S/O.PONNELAM ATTAKOYA
KALPENI ISLAND.
4. PONNELAM ATTAKOYA
S/O.C.G.KUNHIKOYA
KALPENI ISLAND.

BY ADV. SRI.T.H.ABDUL AZEEZ
SRI.S.RADHAKRISHNAN SC FOR R1

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 28/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.3 of 1997

Dated this the 28th day of June, 2007

O R D E R

The revision petitioner is the defacto complainant in C.C.1/91 with respect to the offence under Sections 447, 324, 341 read with 34 of IPC.

2. The court below acquitted the accused in view of the directions contained in writ petition (c) No.1128/96 of the Supreme court as the matter was pending for 5 years. The above position of law has been overruled in the decision of Ramachandra Rao vs. State of Karnataka (2002(2) KLT 189). Hence, the order of the court below is set aside and the matter is remitted back to the court below. The court below shall dispose of the matter on merits after issuing fresh summons to the accused. Return the records.

The Crl.R.P. is disposed of accordingly.

**K.R.UDAYABHANU,
JUDGE**